

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-CV-11542-RGS

CHARLES BRETT, BUILDING
INSPECTOR OF TOWN OF HAMILTON

v.

IRINA V. TEMKINA

ORDER

August 17, 2005

STEARNS, D.J.

Defendant Irina Temkina seeks a dismissal of this action after removal from the Massachusetts Superior Court. Her essential argument is that the building code violations cited by the plaintiff, the Town of Hamilton's building inspector (Inspector), did not exist at the time the Complaint was filed. Prior to rendering any substantive decision whether the Town has pled "a cause of action upon which relief can be granted," the court is obligated to inquire as to whether it has jurisdiction over the matter.¹ In that regard, the court directs the Inspector to certify to the court, in affidavit form, on or before September 9, 2005, the amount in controversy in this case as of the date the Complaint was filed, exclusive of attorneys' fees, interest, and costs. Coventry Sewage Assocs., Inc. v. Dworkin Realty Co., 71 F.3d 1, 3 n.2, 4 (1st Cir. 1995).

SO ORDERED.

/s/ Richard G. Stearns

UNITED STATES DISTRICT JUDGE

¹Pursuant to 28 U.S.C. § 1332, "the district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between (1) citizens of different States; . . ."

